

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

02-CR-73-A (1), (5), (9), (15)

MARK CONGI,
ALBERT CELESTE,
PAUL BELLRENG,
JOEL CICERO,

Defendants.

GOVERNMENT'S WITNESS LIST

The United States of America, by and through its attorneys, Terrance P. Flynn, United States Attorney for the Western District of New York, and William J. Hochul, Jr. and Brett A. Harvey, Assistant United States Attorneys, hereby supplies its list of its potential trial witnesses, together with a brief summary of anticipated testimony and approximate length of testimony, for the Government's case-in-chief.¹

For ease of reference, the witnesses will be identified, and their testimony described, in numerical order. The witness numbers appearing herein correspond to the numbers appearing in the Jencks

¹Government witnesses will also identify items of physical evidence, which items will not be detailed herein due to the already lengthy volume of the instant pleading. A separate exhibit list containing an identification of each item of evidence is also being filed herewith.

Act disclosures. Because of the sheer volume of witnesses (over 120), only a summary of their anticipated testimony will be provided.² Further (and in some cases additional) descriptions of witness testimony may be found in the Government's Pretrial Brief and Memorandum also filed this date.³

W1 - Acel, Kyle (Guys Mills, PA)

Employee of E.G. Sackett Company, and one of several victims of September, 1998, attack at Wegman's Supermarket. Will testify that codefendant Tomascik demanded fine sweeping (to which Local 91 was not entitled), and on September 16, 1998, was one of numerous Local 91 members who participated in beating of Sackett tilesetters. Anticipated length of direct testimony (hereafter, "direct testimony") is approximately thirty minutes.

²The Government provided Jencks Act disclosure to the defense of over 300 witnesses, and the Government reserves the right to supplement the instant list with witnesses from its Jencks Act disclosure list, in the event presently unforeseen issues arise at trial or during the defense case.

³In order to further accelerate the trial, but mindful that witness and Court schedules, along with unforeseen conflicts and the sheer length of this trial, could greatly impact the anticipated order of Government proof, the Government proposes to alert the Court and defense counsel of upcoming witnesses a day before the projected witnesses will testify for the Government.

W2 - Aleks, Robert (Lewiston, NY)

Local 91 member who participated in extortion of Sansla, Inc., in March-July, 1997. Direct testimony - thirty minutes.

W4 - Aragon, Joseph⁴ (Lakewood, CO)

Owner of Proserve, Inc., who in the Fall of 2001, was extorted by Mark Congi and Joel Cicero. Will testify that on October 2, 2001, he traveled from Colorado to Niagara Falls at Cicero's direction, thereafter meeting with Cicero and Congi at the Local 91 union hall where both Local 91 members demanded ProServe hire unwanted Local 91 workers. Will also provide details about project, conversations with contractor and Duty Free International employees, and enumerate all attempts by Local 91 to increase extortionate pressure on ProServe. Direct testimony - sixty minutes.

W5 - Baldassara, Anthony (Conway, SC)

Employee of E.G. Sackett Company, and victim of September, 1998, attack at Wegman's Supermarket. Will testify that Tomascik demanded fine sweeping work, threatened Sackett employees prior to

⁴It will be observed that this and various other witnesses bear numbers out of strict alphabetical or numerical sequence. The reason for this phenomena is that the Government provided a great deal of Jencks Act and other discoverable information in approximately March, 2004, some of which related to other defendants and/or other matters no longer relevant to the instant trial. Also, the Government from time to time located additional witnesses to various events and thereafter added these names to the end of the then-existing list.

September 16, 1998 (declaring he would break mop and stick handle up rectum), and participated in September 16, 1998 attack along with Congi and other Local 91 members. Direct testimony - thirty minutes.

W6 - Basso, Mario (Sanborn, NY)

Local 91 member who witnessed April 17, 1998 attack at the Clarion Hotel (Alliant Food Service truck driver John Spiller injured). Direct testimony - twenty minutes.

W7 - Benham, Darrell (Niagara Falls, NY)

In about April or May 2000, former codefendant Andrew Shomers admitted to witness that Shomers beat up/got into a fight with Robert Braunscheidel (victim at the Niagara Falls High School in March, 1999) over sweeping. Direct testimony - five minutes.

W10 - Bertino, Salvatore (Niagara Falls, NY)

Local 91 member/codefendant who committed extortionate activities (with other Local 91 members) at the following locations: Target (1995-96); Delta Sonic/Double J Fence (February 8-9, 1997); BFI landfill/Serrot (September 29, 1997); Niagara Falls Housing Authority (July 21, 1998); Wegman's/E.G. Sackett (September 16, 1998); Niagara Falls High School/Mader and Ferguson companies (1999-2000); Lewiston/Porter Middle School/Scrufari and E & B

Equipment (summer, 2001). Witness will identify Congi as having directed and/or participated in all of the above violence, along with violence occurring at Gagsters on November 24, 1999. Bertino will testify that he declined to commit sabotage as requested by Congi following indictment in this case (May, 2002). Direct testimony - two hours.

W14 - Bidak, Frederick (Niagara Falls, NY)

Non-union contractor will testify that he installed concrete in front of the Niagara Falls Housing Authority in July, 1998, and that he paid "Butch" Quarcini \$400 (represented to be "initiation fees") in exchange for labor peace following sabotage occurring on July 21, 1998. Will also testify relative to Local 91's reputation for violence. Direct testimony - twenty minutes.

W15 - Biddle, James (Elma, NY)

President of Mader Construction, threatened by former codefendant Michael "Butch" Quarcini and defendant Congi following attack (by codefendant Shomers) on Robert Braunscheidel at the Niagara Falls High School in March, 1999. Will also testify relative to Local 91's reputation for violence. Direct testimony - fifteen minutes.

W17 - Brant, David (Niagara Falls, NY)

Employee of Ferguson Electric who, while working at the Niagara Falls High School in 2000, witnessed extortionate conduct of Local 91 members, including codefendants Congi, Bertino, and Shomers. Will also testify relative to Local 91's reputation for violence, and identify codefendant Bellreng. Direct testimony - fifteen minutes.

W18 - Braunscheidel, Robert Sr. (Lockport, NY)

Mader Construction employee will testify that he was attacked by Shomers while working at the Niagara Falls High School on March 31, 1999, and will identify Bertino, Celeste and Congi as being present at the job site on this date. Will also testify to other extortionate activities of Bertino and Congi at the Niagara Falls High School (slowdowns, threats, sabotage of tires), to extortionate activities of Congi at other sites in Niagara County, including the Rainbow Bridge in 1997, and to Local 91's reputation for violence. Direct testimony - thirty minutes.

W20 - Burchard, Scott (Orchard Park, NY)

Project manager for Ciminelli Construction at the Niagara Falls High School from September 1998 through September 2000, witnessed a tremendous number of disputes between laborers and other unions.

Will also testify relative to Local 91's reputation for violence.

Direct testimony - thirty minutes.

W21 - Burns, LaVerne (North Tonawanda, NY)

In September, 1998, witness worked as foreman for Hasely Construction at the Niagara Falls Drinking Water Treatment plant.

On September 16, 1998, codefendant Markle told Burns he had to leave the site "on union business." Direct testimony - five minutes.

W26 - Campbell, Kevin (Ransomville, NY)

This employee of Scrufari Construction will testify relative to Local 91's reputation for violence, the extortion at Lewiston Porter Middle School in 2001, and will identify Congi, Celeste, Bertino, and other Local 91 members as being responsible for a variety of criminal acts, including threats of violence, work slowdowns and work stoppages. On or about July 18, 2001, heard Bertino (in the presence of Congi), state to Gary Sankes, owner of Scrufari: "I'm not from this country; we know how to take care of people like you." On or about August 13, 2001, observed Shomers break a tilesetter's broom. Direct testimony - thirty minutes.

W27 - Carlo, Edward (Niagara Falls, NY)

Retired Local 91 executive board member will testify that it is wrong to use violence on picket lines and/or during jurisdictional disputes; that in 1995 or 1996 Congi asked him to make stars; and that on September 16, 1998, Congi directed Carlo to send Shomers to Wegman's (where the tilesetters were attacked). Will also identify minutes of Local 91 board meetings. Direct testimony - twenty minutes.

W28 - Carr, Leon (Grand Island, NY)

Employee of E.G. Sackett Company, and victim of September 16, 1998, attack at Wegman's Supermarket. Identified Bellreng, Markle, Tomascik and other Local 91 members as participating in attack. Direct testimony - thirty minutes.

W31 - Cerrone, Anthony (Niagara Falls, NY)

Codefendant will testify that he participated in acts of extortion with other Local 91 members as directed by Congi, including acts involving Sansla in 1997 (particularly the bombing of the Sansla employees on April 21, 1997); BFI/Serrott in 1997 (including the destruction of the landfill liner on September 29, 1997); Wegman's attack on September 16, 1998; Clarion Hotel in 1998 (including a vehicle blockade believed to have occurred on April 24, 1998); and the destruction of property occurring at a school near the county

line (believed to be Middleport elementary school occurring in the summer, 1997). Cerrone will further testify that he obtained a fraudulent Hazmat license from Cicero in exchange for a quantity of marijuana. Direct testimony - sixty minutes.

W36 - Ciurzynski, Mike (Akron, NY)

Will testify that he was employed by E & B Equipment and Furniture when Congi attempted to extort him regarding assignment of work at the Niagara Falls High School in 1999, that the lockers were damaged at this location, and that Congi again attempted to extort him regarding assignment of work at the Lewiston Porter Middle School in August, 2001. Will also testify relative to Local 91's reputation for violence. Direct testimony - thirty minutes.

W38 - Comfort, Karl (Rushville, NY)

Employee of Old Castle Precast who was victim of attempted extortion by Congi, Shomers and other Local 91 members in May, 2001 at the Niagara Falls Air Base. Regarding the Air Base extortion attempt, witness will testify that Congi declared that Shomers "only does what he is told", and will further testify as to Local 91's reputation for violence. Direct testimony - twenty minutes.

W39 - Congi, Charles (Niagara Falls, NY)

If called, defendant Congi's father will testify that commencing in approximately 1965, while he was a member of Local 91 (1959-1983), he committed numerous acts of extortion and violence on behalf of former co-defendant Michael "Butch" Quarcini. Congi will further testify that Quarcini told him he would use intermediaries such as Business Agents to order violent acts, but that Congi he should realize the requests of the intermediaries were coming directly from Quarcini. Congi will further testify that Quarcini operated Local 91 in the same fashion as the mafia was run. Direct testimony - forty-five minutes.

W42- Cook, Wade (Lewiston, NY)

Will testify that Local 91 members threatened him and his family at various construction sites where his non-union company, CB Concrete, worked including at the Niagara Falls Air Base in 1996. Testimony - thirty minutes.

W43 - Cooper, Joanne (Niagara Falls, NY)

Local 91 member present at Clarion during attack of April 17, 1998. Direct testimony - five minutes.

W44 - Copp, Stephen (Tampa, FL)

Employee of HRB who witnessed and was victim of extortion at Clarion and Niagara Falls Hotels in 1998, and will identify Congi and others. Direct testimony - sixty minutes.

W45 - Couch, Jack (Beverly Hills, FL)

Employee of HRB who witnessed and was victim of extortion at Clarion and Niagara Falls Hotels in 1998. Direct testimony - forty-five minutes.

W47 - Daniels, Tom (Holmdoe, NJ)

Witness affiliated with Duty Free who will testify to aspects of Aragon/ProServe extortion in September, 2001, including occasion when Cicero asked whether Lewiston-Queenston project was going to use union labor. Direct testimony - twenty minutes.

W51 - Ensminger, Larry (East Aurora, NY)

President of E & B Equipment, threatened by Congi over assignment of work involving moving lockers (and other objects) at the Lewiston Porter School in July, 2001, and who also had earlier confrontation with Congi over similar work (moving cabinets and other objects) at the Niagara Falls High School in 2001. Anticipated testimony - twenty minutes.

W55 - Fay, David (Gasport, NY)

Will testify relative to demands made by Local 91 members Dellaccio and Celeste relating to carpenters work being performed by Vulcan at the Niagara County jail in approximately 1995, and thereafter, to continued harassment of Vulcan at other construction projects including Target and Rainbow Bridge. Direct testimony - fifteen minutes.

W56 - Felice, David (Lewiston, NY)

Union electrician employed by Ferguson Electric will testify that in May-June, 2000, he was threatened by Bertino, Shomers and other Local 91 members for having used a broom to sweep an area of the Niagara Falls High School. Also, will state that his car tires were flattened following one work-related dispute with Local 91 on June 5, 2000. Anticipated testimony - fifteen minutes.

W58 - Fontanarosa, Paul (Lewiston, NY)

Witnessed attack at Wegman's on September 16, 1998, and identified Congi (and/or his black automobile), Cerrone, Tomascik, and other Local 91 members as being present. Estimated testimony - twenty minutes.

W60 - Franasiak, Kenneth (Wheatfield, NY)

Non-union contractor who will testify as to Local 91's reputation for violence in Niagara County. Estimated testimony - twenty minutes.

W62 - Gagliardo, Anthony (Niagara Falls, NY)

Owner of Gagster's Bar who witnessed aspects of attack perpetrated by Congi and other Local 91 members upon Arthur Jocoy on November 24, 1999, and later, spoke to Congi about latter's offer to pay for damage to Jocoy. Testimony - ten minutes.

W63 - Galeziowski, Edward (Lewiston, NY)

Local 91 member witnessed attack committed on April 17, 1998 by Local 91 members upon John Spiller's Alliant Food truck at the Clarion. Will also testify that he was provided eggs by Congi to be thrown at the Clarion, and observed a Local 91 member throw stars at the Clarion. Testimony - fifteen minutes.

W64 - Gambino, Joseph (Niagara Falls, NY)

Local 91 member will testify that on Congi's orders, he participated (with other Local 91 members) in the destruction of Vulcan's property at the Target construction site on May 12-13, 1996; that he was called by Congi on the day of the Wegman's attack on September 16, 1998 and told to go to this location, and that he

recognized members of Local 91 prior to the Wegman's attack, including Congi, Celeste, Bellreng, Dellaccio, Tomascik, and others as being present during the Wegman's attack; and will identify Bellreng and Celeste as participating in the Mulvey extortion. Testimony - twenty minutes.

W65 - Gedeon, Mike (Sanborn, NY)

Witnessed Shomers and Congi yelling at Ben Sicoli during the renovation of Sal Maglie stadium, and will also testify that he had his car damaged on 4/11/00 (most likely by Shomers). Testimony - twenty minutes.

W66 - Gormley, Tobin (Ransomville, NY)

Union carpenter employed by Scrufari Construction company, will testify to acts of attempted extortion committed, and threats made, by Congi, Celeste, Bertino, Shomers, and other Local 91 members on several occasions, including at Niagara University and Lewiston Porter middle school in 2001, and at a location known as "the Commons" in 1998 while Gormley and Local 91 member (unindicted co-conspirator) Butch Wynn were working at the Gates of Heaven Cemetery, during which time Wynn admitted threatening minority employees along with Congi. Testimony - twenty minutes.

W67 - Green, Tony (New York State Police)

New York State Trooper (retired) interviewed Napier Thomas, an employee of Old Castle, after Thomas was threatened by co-defendant Andrew Shomers at the Niagara Falls Airbase on May 22, 2001. Testimony - five minutes.

W68 - Haner, Fred (Lockport, NY)

Carpenter present during September 16, 1998, attack at Wegman's Supermarket, will testify that Tomascik predicted "there was going to be a problem today" prior to the attack by Local 91 members. Testimony - thirty minutes.

W69 - Harris, Kenneth (Ransomville, NY)

Local 91 picketer on April 17, 1998 (Clarion). Testimony - ten minutes.

W73 - Hubbard, Donald (Lewiston, NY)

Local 91 member will testify he received stars from Congi, and that Bellreng causes trouble with other trades on behalf of Local 91. Testimony - fifteen minutes.

W74 - Hudson, Mike (Niagara Falls, NY)

Writer for *Niagara Falls Reporter* attacked on Oct. 12, 2001, and confronted by co-defendant Quarcini in June, 2001. Testimony - ten minutes.

W76 - Iveys, Raymond (Niagara Falls, NY)

HRB employee at the Clarion and Niagara Holiday Inn Hotels will testify that he was frequently threatened by Local 91 during the renovation project, including on April 17, 1998, when he and his uncle, Richard, were physically attacked by three Local 91 members, and will identify Congi as being in charge of the pickets. Testimony - fifteen minutes.

W78 - Jocoy, Arthur (Niagara Falls, NY)

Victim of attack by Congi and other Local 91 members on November 24, 1999, at Gagster's bar. Testimony - fifteen minutes.

W79 - Johnson, George (Niagara Falls, NY)

Local 91 member and brother-in-law to Congi, present at Gagster's on November 24, 1999, when Congi and other Local 91 members attacked Jocoy. Testimony - ten minutes.

W82 - Justyk, John (Niagara Falls, NY)

Local 91 member will identify Bellreng, Celeste, Congi and others as being present at the Drinking Water Treatment Plant (Sansla extortion) picket in 1997, and will describe extortionate acts committed by Bellreng, Celeste and Local 91 members at this site, including hearing Bellreng state to the Sansla employees, "I'm coming to take your head off." Will also testify that he was given stars by Congi at the Holiday Inn Hotel in 1998, and that he observed Local 91's vehicle blockade of Clarion in April, 1998 (believed by the Government to have occurred on April 24, 1998). Testimony - twenty minutes.

W83 - Keller, Harold (East Aurora, NY)

Superintendent of Mader Construction, will testify that he was threatened by Congi and Dellaccio prior to construction at the Niagara Falls High School (March, 1999), threatened by co-defendant Quarcini in May 1999, and threatened by Congi, Celeste and co-defendant Tomascik at Niagara University in late 2001-early 2002. Will also introduce diary entry of January 28, 2002, wherein Celeste demanded rigging work at Niagara University. Testimony - twenty minutes.

W88 - Korpilinski, Dwayne (Niagara Falls, NY)

Local 91 member will testify he heard Bellreng threaten to kill Sansla employees and their families, and witnessed acts of attempted extortion by Celeste and Local 91 members. Testimony - twenty minutes.

W89 - Kosut, Darryl (Lewiston, NY)

Witnessed aspects of Sansla extortion by Local 91 members. Testimony - ten minutes.

W91 - Kulbacki, Brian (Elma, NY)

Vice President of non-union Kulbacks Construction, performed work for Joseph Aragon at the Lewiston Duty Free project in Fall, 2001. Will testify that during construction, after Kulbacki had already hired a union contractor in response to demands placed upon Aragon, Congi arrived at the project in his Lincoln and stated, in sum and substance, "what are you (non-union) guys doing here," and "we want it all (the work)." Testimony - fifteen minutes.

W95 - Leva, Patrick (Rochester, NY)

Representative of E.G. Sackett Company will testify that his company lost approximately \$20,000 as a result of the attack by Local 91 at Wegman's on September 16, 1998. Testimony - ten minutes.

W97 - Lewis, Gregory (Little Valley, NY)

Plumber employee present on September 16, 1998, during attack by Local 91 upon tilesetters at Wegman's Supermarket, and also victim of prior intimidation by Local 91 steward Tomascik. Testimony - approximately twenty minutes.

W99 - Logue, Russell (Geneva, NY)

Wegman's employee will testify he was superintendent for Wegman's construction project, during which Tomascik made repeated demands for work performed by other trades. Will also testify he was present during September 16, 1998, attack by Local 91 upon tilesetters, during which he also witnessed Congi's black Lincoln automobile. Length of testimony - thirty minutes.

W103 - Mackellar III, Robert (Grand Island, NY)

Vulcan employee and vinyl tile setter who in May, 1996, was victim of demands (sweeping, patching, sanding, and others) made by co-defendant Bertino regarding fine sweeping, patching, sanding at the Target construction site. In August and September, 1997, witness will testify that while employed at the Rainbow Bridge by Vulcan, he was threatened by Congi, Celeste and other Local 91 members. Length of testimony - twenty minutes.

W237 - Mackellar IV, Robert (Grand Island, NY)

Son of witness 103, will testify that in September, 1997, he was employed by Vulcan with his father at the Rainbow Bridge when he was physically attacked by Local 91 member (unindicted coconspirator) Daniel Seriani. Length of testimony - fifteen minutes.

W105 - Maerten, Tim (Clearwater, FL)

Owner of non-union landscaping business, witness will testify that he was threatened by Local 91 member Paul Bellreng during work performed at the Tuscarora Village mobile home park in June, 2001, as a result of which threats (and other information) Maerten stopped working on project. Will also testify that he identified Bellreng via a photographic array. Testimony - fifteen minutes.

W106 - Malvestuto, Robert (Sr.) (Niagara Falls, NY)

Former officer of Local 91, father of coconspirator Robert Malvestuto, Jr., was working on July 11, 2000, at Niagara Falls High School when Ferguson Electric truck damaged. Testimony - ten minutes.

W107 - Maney, Ira (North Tonawanda, NY)

Employee of E.G. Sackett Company, and victim of September 16, 1998, attack at Wegman's Supermarket, will identify Tomascik, Markle, and

Bertino as among the Local 91 members participating in the attack, and will describe proclamations made by attacking Local 91 members. Length of testimony - thirty minutes.

W109 - Mantell, Ronald II (Niagara Falls, NY)

This Local 91 member will testify that in 1997, he participated in the picketing of Mulvey and Sansla, and with respect to the Sansla attempted extortion, will identify Bellreng, Celeste, Congi and other Local 91 members (including himself) as engaging in various criminal activities (threats, destruction of property, intimidation, and others). Mantell will also identify Congi as having handed out eggs to Local 91 members during the picketing of the Clarion Hotel in 1998. Length of testimony - thirty minutes.

W110 - Marggi, William (Clifton Park, NY)

Sanlsa project manager will testify to attempted extortion committed by various Local 91 members, and will identify Celeste, Congi, and other Local 91 members as having engaged in such attempted extortion of their company in 1997, including an occasion when Celeste threatened Marggi over the telephone. Direct testimony - thirty minutes.

W112 - Marotta, Robert (Lockport, NY)

Project manager for Mulvey Construction company, will testify that in 1997, Local 91 members, including Congi, Randy Butler, and others, participated in attempted extortion of he and his company, such attempted extortion including throwing stars (by Congi), threatening workers, and engaging in other illegal conduct. Testimony - twenty minutes.

W113 - McGovern, Daniel (Lewiston, NY)

Witness will testify that while working for Al Muto at City Market in January, 2000, he was confronted late one evening by Congi, Shomers, and approximately 10 other members of Local 91. On this occasion, Congi threatened to picket an unrelated Muto-owned location because of work being performed by non-laborers. City Market property was later damaged. Testimony - fifteen minutes.

W116 - Messina, Mike (Niagara County Sheriff's Department)

Niagara County Sheriff who served as one of the principal investigators in case. Testimony - ten minutes.

W117 - Miskovski, John (New York State Police)

Co-owner of Double J Fence (and New York State Trooper) who in late January/early February, 1997, was told by Congi that Local 91 intended to picket the project being performed by his non-union

fence company at the Delta Sonic on Niagara Falls Boulevard. Witness will also testify he spoke to Congi, Dellaccio and Quarcini following destruction of fence during evening of February 8, or early morning of February 9, 1997, and that he was forced on this occasion to agree to pay the union a sum of money for labor peace, as well as to hire Local 91 member Placek. Testimony - fifteen minutes.

W121 - Montero, Guillermo (Miami Beach, FL)

Owner of Hospitality Restoration & Builders, Inc. (HRB), will testify that as a result of Local 91's actions, his company suffered approximately \$50,000 in losses as a result of the defendants' extortionate conduct at the Clarion and Niagara Falls Hotels in Spring, 1998. Testimony - fifteen minutes.

W123 - Mulvey, Tim (Lockport, NY)

Owner of Mulvey Construction company, will testify that in 1997, Local 91 members, including Dellaccio, Randy Butler, and others, participated in attempted extortion of his Lockport project, including throwing stars, threatening workers, and engaging in other illegal conduct. Will identify videotape depicting Celeste and Bellreng as also engaging in attempted extortion at his home and of his family, including on March 27, 1997. Testimony - twenty minutes.

W124 - Muto, Alfonse (Lewiston, NY)

Owner of City Market, will testify he was threatened by Congi and Quarcini in early 2000 because of planned use of non-union labor at the City Market. One such threat was made by Congi saying that if Muto used non-union labor, "we'll just do what we've got to do."

Testimony - ten minutes.

W131 - O'Brien, Kevin (Niagara Falls, NY)

Niagara Falls City Engineer from 1988 to 2000, will testify that Local 91 harassed Sansla more than any contractor he has ever been familiar with, and that Local 91 was an intimidating presence in the City of Niagara Falls. Testimony - fifteen minutes.

W132 - Orsi, Michael (Niagara Falls, NY)

Local 91 member will testify he witnessed aspects of Mulvey picket in early 1997, was present during a Roy Hart picket in summer, 1997, when Congi punched a contractor, that he participated in car blockade of Clarion Hotel in 1998, and was present during the September 16, 1998 attack by Markle and other Local 91 members at Wegman's. Testimony - twenty minutes.

W136 - Pasiak, Dennis (North Tonawanda, NY)

Contracting officer for 914 Air Reserve Station at the Niagara Falls Airbase, will testify that he has had numerous contacts with

Congi in the time period of 1996 to 2001, including on May 22, 2001, when Congi called him and admitted being at scene of a confrontation between codefendant Shomers and Napier Thomas, an employee of Old Castle. Congi also wanted Thomas to be removed from job. Testimony - fifteen minutes.

W135 Pannozzo, Frank (Lewiston, New York)

Witness will testify that he was chairman of the Niagara Falls Bridge Commission in 2001 when CICERO committed extortion of ProServe/Aragon, the CICERO violated his oath of office by demanding union labor without consulting with the other commissioners (if such in fact happened as reported by Aragon), and that he is aware of Local 91 reputation for violence. Direct testimony - fifteen minutes.

W137 - Pastorius, Chris (Victor, NY)

Vice President of Old Castle, Inc., will testify that since approximately 1997, his company experienced problems with Local 91 whenever it performed work in Niagara County, NY, even though company employs union laborers. Testimony - ten minutes.

W138 - Patterson, Jack (Bowmansville, NY)

Anastasi employee will identify change order of April 19, 2002 wherein Kulbacks hired two Anastasi employees (Local 91 members) for work at Duty Free. Testimony - ten minutes.

W141 - Perry, Brian (Niagara Falls, NY)

Local 91 member will testify (among other things) as to illegal activities committed by Local 91 members at Target in 1996 and 1997, the Drinking Water Treatment Plant in 1997, the Clarion and Niagara Falls Hotels in Spring, 1998, and at Wegman's on September 16, 1998, and will identify Congi, Celeste, Bellreng and Cicero as participating in aspects of these activities. Witness will also testify that Congi organized a group of Local 91 members for the purpose of violence. Testimony - twenty-five minutes.

W142 - Petrovic, Peter (Warwick, NY)

Employee of Sansla, Inc., and victim of bombing committed by Local 91 members on April 21, 1997. Will identify Congi, Celeste, Bellreng and other Local 91 members as attempting to extort he and his company in the time period March - June, 1997, with such extortionate conduct consisting of threats to employees and their families, destruction of equipment, vehicles, and containment systems, launching of projectiles such as rocks, pipe, and golf

balls, throwing of stars and other welded metal objects, and the blockading and following of workers. Testimony - sixty minutes.

W143 - Petrozzi, John (Niagara Falls, NY)

Contractor in Niagara Falls, will testify about a meeting held at the Como Restaurant on August 2, 2000, during which witness discussed with Butch Quarcini and Celeste problems being caused by Local 91 members at construction job sites, including the Niagara Falls High School. Testimony - twenty minutes.

W145 - Pillot, Michael (Lockport Police Department)

Lockport Police Officer who in 1997 responded to multiple calls for assistance during construction performed by Mulvey Construction Company, due to activities of Local 91 members. Testimony - twenty minutes.

W146 - Placek, Mark (Niagara Falls, NY)

Local 91 member will testify that he was sent to work for Double J Fence by Congi, that Bellreng admitted to destroying property at the Drinking Water Treatment Plant in 1997, and that Local 91, led by Bertino, engaged in work stoppages and confrontations at the Niagara Falls High School in 1999 and 2000. Testimony - ten minutes.

W153 - Raymond, John (Niagara Falls, NY)

Will testify that one evening, while he was working inside City Market in approximately January, 2000, unknown persons began banging on the door to the construction site and demanded he open the door. Later that same evening, Dan McGovern told Raymond to stop working. Testimony - fifteen minutes.

W154 - Redell, Thomas (Grand Island, NY)

Witness will testify that he worked as the superintendent for Ciminelli Co. at the Target construction project commencing in October 1995, up to and including the destruction of floor tiles as ordered by defendant Congi and others in May, 1996, that he encountered confrontations with Congi, Bertino and other Local 91 members in this time period, and that on October 21, 1995, the tires to his vehicle were slashed while the car was parked in his home driveway, such sabotage occurring after Redell refused a demand by Bertino to hire Bertino's son. Testimony - twenty minutes.

W155 - Renda, Larry (Niagara Falls, NY)

Former Local 91 member will testify as to admissions made by Congi the September 16, 1998 Wegman's attack, the defendant's use of strong arm tactics, the November 24, 1999 occasion at Gagster's tavern when Congi and others attacked Arthur Jocoy, and an occasion

when Congi and others tried to intimidate an 18 year old employee of Denny's restaurant. Testimony - twenty minutes.

W156 - Restaino, Anthony (Niagara Falls, NY)

City of Niagara Falls administrator during the Drinking Water Treatment Plant (1997) and Clarion and Niagara Falls Hotels renovation projects (1998), will testify relative to extortions at these sites, including meeting held on Saturday, April 25, 1998 at the Local 91 union hall attended by then mayor Galie, the acting chief of police, Quarcini, Congi, Dellaccio, Celeste, and Bellreng. Testimony - fifteen minutes.

W160 - Rosati, Thomas (West Palm Beach, FL)

Employee of Servico who witnessed and was victim of extortion at Clarion and Niagara Falls Hotels in 1998. Will identify Congi, Quarcini, and others as responsible for violence. Will testify that Local 91 members made threats, engaged in violence and destruction of property, and placed a blockage around the hotels in an effort to drive his company out of town. Direct testimony - forty-five minutes.

W161 - Rotella, Louis (Gasport, NY)

Local 91 member will identify Bellreng, Congi, Markle, Dellaccio, and other Local 91 members as being present at the Wegman's

construction site on September 16, 1998 when Local 91 attacked E.G. Sackett company tilesetters. Testimony - ten minutes.

W163 - Russell, William (Buffalo, NY)

President of Vulcan Shaw Floors, will testify as to extortion at Target in May, 1996, as well as attempted extortion at the Rainbow Bridge committed by Celeste, Congi and Dellaccio in August, 1997. Testimony - fifteen minutes.

W164 - Sankes, Gary (Niagara Falls, NY)

President of Scrufari Construction Company, will testify that he was threatened by Bertino in the presence of Congi on July 18, 2001, regarding the assignment of work at the Lewiston Porter High School project. Testimony - ten minutes.

W170 - Seaburg, Arthur "Skip" (Manchester, NY)

Superintendent for Oldcastle Precast, Inc., at the Niagara Falls Airbase project, will testify that Local 91 (Cheryl Cicero) refused to send laborers to work at the project in May, 2001, and that as a result of Local 91 activities, his company lost approximately \$5,000. Testimony - fifteen minutes.

W172 - Sheehan, Laurel (Niagara Falls Police Department)

Niagara Falls Police Officer will testify that in April, 1998, she observed members of Local 91 blockade the Clarion and Niagara Falls Hotels by using their vehicles to prevent any ingress or egress into the hotels. Testimony - ten minutes.

W174 - Shomers, Andrew (Niagara Falls, NY)

Former codefendant and Local 91 member will testify that he committed a large number of extortionate acts on behalf of Congi, including acts of attempted extortion, property destruction and/or violence at the following construction projects: Target (1997), Mulvey (1997), Sansla (Spring, 1997, including the bombing of the employees' residence on April 21, 1997), BFI/Serrot (destruction of landfill liner on September 29, 1997), Double J Fence (destruction of fence on February 8-9, 1997), Roy-Hart Schools (sabotage of job site in summer of 1997), Clarion and Niagara Falls Hotels (1998), Niagara Falls Housing Authority (sabotage of vehicles and building on July 21, 1998), Wegman's (attack of E.G. Sackett tilesetters on September 16, 1998), Niagara Falls High School (attack of Mader employee Robert Braunscheidel on March 31, 1999), and the Niagara Falls Airbase (threats to Old Castle employees in May 2001), all such incident directed and/or approved by Congi, and frequently committed with other Local 91 members identified by Shomers. Witness will also testify he met Congi at Gagster's Bar on November

24, 1999, and witnessed Congi attack Arthur Jocoy, and that he was asked by Congi to participate in sabotage at CWM, and also asked by Congi to murder Larry Renda due to suspicions that Renda was cooperating with the Government. Testimony - two hours.

W177 - Sims, Nancy (Ransomville, NY)

Local 91 employee will likely serve as Custodian of Records, if needed, through which Government will seek to introduce business records of Local 91. In the event Sims is not used, and/or in addition to Sims, the Government will supply the names of other Custodians, including Custodians for hospital records, telephone records, and other documents. Testimony - ten minutes.

W178 - Skidds, Jim (Ogdensburg, NY)

Employee of E.G. Sackett Company, and victim of September 16, 1998, attack at Wegman's Supermarket. Will identify Tomascik as previously demanding tilesetter work, and on September 16, participating in attack. Length of testimony approximately thirty minutes.

W181 - Spiller, John (Hamlin, NY)

Employee of Alliant Food Service will testify that he was attacked on April 17, 1998 by Local 91 members while delivering a food order to the Clarion Hotel and that during the attack, it appeared to

Spiller that the Local 91 members were trying to kill and/or severely injure him. Testimony - fifteen minutes.

W183 - Stevanovic, Goran (Haledon, NJ)

Sansla supervisor at Drinking Water Treatment Plant in time period of March through Summer, 1997, will identify Celeste, Bellreng and other Local 91 members as participating in attempted extortion of his company and, after these demands were refused, that he was permanently injured as a result of the bombing perpetrated by Local 91 members Shomers, Butler, Malvestuto, Jr., and Cerrone on April 21, 1997. Will also identify Bellreng as exiting Celeste's car on the morning of April 21, 1997, and stating "I'm coming to take your head off tonight." Will identify notes memorializing identification of Bellreng, Celeste, and other Local 91 members. Testimony - two hours.

W185 - Stumpf, Paul (Niagara Falls, NY)

Carpenter employee present at September 16, 1998, attack at Wegman's Supermarket, will identify Tomascik as present at attack and to making improper demands for work, as well as to statements made by attackers. Length of testimony approximately thirty minutes.

W188 - Tempest, Terry (Lewiston, NY)

Ferguson Electric company employee and foreman at the Niagara Falls High School construction project (2000), will testify that Local 91 members made constant extortionate demands upon his company, and will identify Celeste, Congi, Bertino, Dellaccio, Shomers, and other Local 91 members as being present at the site in this time period. Testimony - thirty minutes.

W189 - Thomas, Napier (Rochester, NY)

Old Castle employee will testify that codefendant Shomers and other Local 91 members attempted to prevent him from working at the Niagara Falls Airbase on May 20 and 21, 2001. Testimony - fifteen minutes.

W190 - Thompson, Mark (Ransomville, NY)

Electrician witnessed attack at Wegman's by Local 91 on September 16, 1998. Testimony - ten minutes.

W191 - Tierney, Michael (Sebastian, FL)

Local 91 member followed Sansla employees to their home in Wildwood Acres. Testimony - ten minutes.

W198 - Vasalic, Novak (Haledon, NJ)

Former owner of Sansla, Inc., will testify as to amount of losses caused by Local 91. Testimony - ten minutes.

W199 - Vickers, John (Niagara Falls, NY)

Local 91 member will testify as to acts of violence and intimidation directed by Congi. Testimony - twenty minutes.

W204 - Weidel, Patrick (Niagara Cuonty Sheriff's Department)

Deputy Niagara County Sheriff recovered evidence from 53 Steele Circle, Wildwood Acres, Niagara Falls (Sansla employees' residence) following the bombing of April 21, 1997. Testimony - fifteen minutes.

W207 - Wurz, Rob (Chittenango, NY)

Wegman's employee present at September 16, 1998, attack at Wegman's Supermarket, will also testify that Tomascik repeatedly demanded work to which his union was not entitled. Length of testimony approximately thirty minutes.

W209 - Zell, Gerald (Niagara Falls, NY)

Business manager for Electrician's union, will testify to admissions by Congi regarding Sansla, CWM, and BFI/Serrott incidents, as well as actions and statements of Celeste involving

Niagara Falls High School, where Celeste overrode concessions made by Dellaccio regarding assignment of work to electricians. Will also testify as to Bellreng's appointment to and demeanor at the Niagara County Industrial Development Agency (highly aggressive).
Testimony - twenty minutes.

W210 - Alessi, Louis (U.S. Department of Labor (Retired))

U.S. Department of Labor case agent (retired), conducted identification procedures with witnesses relating to the Sansla and Clarion extortion incidents. Testimony - approximately fifteen minutes.

W212 - Wrobel, Thomas (Niagara Falls, NY)

Employee of Niagara Falls Housing Authority will testify that on July 21, 1998, he spoke with "Mark" (Congi) from Local 91, who complained about non-union workers installing section of sidewalk at 2561 Seneca Avenue, Niagara Falls, and who also said "we gotta do what we gotta do." Wrobel will identify damage caused to Authority that night as amounting to approximately \$10,000 (damage caused by codefendants Shomers and Bertino at the direction of Congi). Testimony - fifteen minutes.

W213 - Dellaccio, Dominic (Lockport, NY)

Former president of Local 91 and racketeering codefendant who will testify as to numerous criminal acts committed by the codefendants, including demands made to Vulcan regarding assignment of work at the Niagara County jail, actions taken by Local 91 members at the Mulvey residence (identifying Bellreng and Celeste as present at the Mulvey residence), an April 25, 1998 meeting at the Local 91 union hall attended by mayor Galie, the acting police chief, Quarcini, Congi, Bellreng, and Celeste, the blockade of the Clarion and Holiday Inn hotels, and other incidents. Testimony - two hours.

W217 - Haseley, Mark (Niagara Falls, NY)

Employed Steve Markle on September 16, 1998 (attack at Wegman's). Testimony - five minutes.

W223 - Francis, Rob (To be determined; may live in Africa)

General manager for the Great American Balloon company who in March, 2001, was threatened by Congi, Celeste, and co-conspirator Cheryl Cicero that he would not be allowed to use a non-union contractor at a construction project in Niagara Falls, New York. Testimony approximately ten minutes.

W224 - Glasgow, Bill (Grand Island, NY)

Owner of ice cream stand "Twist of the Mist", intimidated by Congi in approximately 1994 into using Local 91 labor during construction of the ice cream stand. Testimony approximately ten minutes.

W226 - Jasper, Richard (Tallahassee, FL)

Present at meeting with Cicero, Congi, and Joseph Aragon in September, 2001 at the Local 91 union hall. Testimony - fifteen minutes.

W233 - Thomson, William (Niagara Falls Police Department)

Niagara Falls Police Department detective who assisted in investigation of case. Testimony - ten minutes.

W234 - Runles, Frank (Federal Bureau of Investigation)

FBI case agent will testify as to identifications made by witnesses to various Local 91 events. Testimony - twenty minutes.

W236 - Spears, Brian Michael (Madison, IN)

Employee of Environmental Quality Management Inc., will testify that on September 10, 1998, Congi demanded Local 91 members be hired at the CWM site. When Spears refused Congi's demands, on or about September 13, 1998, approximately \$100,000 of property was

destroyed by Robert Malvestuto, Jr. and Pat McKeown (at Congi's direction). Testimony - fifteen minutes.

W239 - Donohue, P.W. (Niagara Falls Police Department)

Niagara Falls Police Detective who responded to Target Store and witnessed damage on May 13, 1996. Testimony - fifteen minutes.

W240 - Donner, John (Niagara Falls Police Department)

Niagara Falls Police Detective who responded to Target Store and witnessed damage on May 13, 1996. Testimon - fifteen minutes.

W242 - Brown, David (Niagara Falls, NY)

HRB employee threatened during Clarion project. Testimony - twenty minutes.

W243 - Brown-Tulloch, Marthern (Niagara Falls, NY)

Servico employee who witnessed events at the Clarion, including a barricade on May 2, 1998. Testimony - fifteen minutes.

W244 - Couch, Turner (Cold Springs, FL)

HRB Vice President of Operations who witnessed extortion at the Clarion Hotel in 1998. Testimony - thirty minutes.

W245 - Gleason, Mark (Niagara Falls, NY)

Employed by HRB at the Clarion Hotel in 1998, witnessed numerous acts of attempted extortion by Local 91, including being threatened with death. Testimony - fifteen minutes.

W246 - Glover, Paul B. (Niagara Falls, NY)

Servico employee at the Niagara Hotel in 1998, observed blockade inflicted by Local 91 upon hotel, including two occasions when Local 91 used their vehicles to blockade the hotel. Testimony - fifteen minutes.

W247 - Huber, Jeff G. (Niagara Falls, NY)

Painter employed by HRB at the Niagara Falls Hotel in Spring 1998, witnessed various acts of extortion by Local 91 members. Testimony - twenty minutes.

W248 - Kendall, Richard (To be determined.)

HRB employee will testify to Local 91 tactics at the Niagara Hotel in April and May, 1998. Testimony - twenty minutes.

W249 - Killifer, Maurice E. (Niagara Falls, NY)

Employed at the Niagara Hotels, observed throwing of eggs and spikes while employed at the Niagara Hotel in April, 1998. Also

shoved and intimidated by Local 91 members. Testimony - ten minutes.

W250 - Lussier, Michael S. (Red Lake, MN)

During Clarion construction in April 1998, this employee observed picketers throwing stars and engaging in violence, and was himself threatened with Rottweiler dogs and told he might be shot with a firearm. Testimony - twenty minutes.

W251 - Moore, Michael C. (Niagara Falls, NY)

HRB employee prevented from working at Niagara Hotel project by Local 91 in April, 1998. Testimony - ten minutes.

W252 - Sanders, Cleveland (Niagara Falls, NY)

Observed Local 91 members throwing eggs at the Clarion Hotel in March, 1998, as well as attack on truck in May, 1998, at the same location. Testimony - ten minutes.

W254 - Viscuglia, James (Niagara Falls, NY)

HRB employee who will testify as to threats by Local 91 in April, 1998, at the Clarion Hotel.

W255 - Walton, Lori (Niagara Falls, NY)

Servico employee at the Niagara Hotel in 1998, will testify as to conversations with Congi, and incidents committed by Local 91.

Testimony - fifteen minutes.

W260 - Weed, Ted (Niagara Falls Police Department)

Niagara Falls Police Officer recorded events occurring on April 17, 1998, at the Clarion Hotel, during which Richard and Raymond Iveys were attacked by Local 91 members. Testimony - five minutes.

W262 - King, Richard (Niagara Falls Police Department)

NFPD Officer who responded to Clarion on April 17, 1998, and observed injuries to John Spiller and damage to Alliant Food Service truck. Testimony - ten minutes.

W262 - DeFranco, Russell (Niagara Falls Police Department)

Niagara Falls Police Officer who responded to Drinking Water Treatment Plant (Sansla extortion) and Clarion Hotel (HRB/Servico extortion).

W263 - Arnold, Matt (Town of Niagara Police Department)

Town of Niagara Police officer responded to attack at Wegman's on September 16, 1998. Testimony - ten minutes.

W264 - Miniclier, Charles (Tonawanda, NY)

Employee of E.G. Sackett Company, and victim of September, 1998, attack at Wegman's Supermarket. Length of testimony approximately fifteen minutes.

W267 - Jenosheck, William "Pete" (Youngstown, NY)

Carpenter employee present at September 16, 1998, attack at Wegman's Supermarket, will identify Markle and other Local 91 members as participating in attack. Length of testimony approximately thirty minutes.

W268 - Knapp, David J. (Lewiston, NY)

Carpenter union employee at Target who had confrontation with Congi and Bertino over application of flash patch (prep work for floor tile installation). Thereafter, discovered tires of vehicle slashed (by Bertino) on April 29, 1996. Testimony - ten minutes.

W271 - Mashayekhi, Akbar (Syracuse, NY)

Employee of non-union EPS company during project at Roy Hart Schools in 1997, threatened by Dellaccio and Quaricini. Testimony - ten minutes.

W272 - Breh, Dennis (Marcellus, NY)

Project manager/coordinator for Environmental Products and Services, a non-union company based in Syracuse, NY, contracted by EQM to perform asbestos removal at the Lake Ontario Ordinance Works (also known as CWM) in August and September 1998. While on the job, will testify that CONGI demanded that Local 91 perform the EPS work, and threatened that he would not be responsible if one of his men got drunk. After demands were refused, will identify damage caused by Local 91 members Malvestuto and Pat McKeown on Sept. 12-13, 1998 (destroyed construction equipment).

W273 - Thompson, Jason (Lockport, NY)

Mulvey employee will testify to attempted extortion by Local 91 members, including Randy Butler, in 1997. Testimony - fifteen minutes.

W274 - Hanson, Craig (Lockport, NY)

Witnessed a Local 91 member throw a star during the Local 91 picket of Mulvey, Inc., on January 23, 1997. Testimony - fifteen minutes.

W275 - Fore, Chris (Costa Mesa, CA)

Project manager for Serrot, Inc., whose company was performing landfill liner work at BFI in September, 1997. Threatened by Local 91, property later damaged by Cerrone, Shomers, Malvestuto, Jr.,

and Patrick McKeown at Congi's direction. Testimony - fifteen minutes.

W276 - Grenier, David (North Tonawanda, NY)

General manager for Niagara Recycling, Inc., who in September, 1997, was working to close the BFI landfill near Packard Road. Will testify that Congi and co-defendant Dellaccio demanded that Grenier hire Local 91 labor for every employee of non-union Serrot, Inc. (the company subcontracted to install a liner over the landfill). When this demand was refused, Local 91 picketers engaged in a variety of extortionate tactics, including changing locks and throwing stars. Will further testify that Bellreng was employed at the BFI site on September 16, 1998, and that Bellreng did not file an injury report for this date. Testimony - twenty minutes.

W277 - Cocco, Mark (Lockport, NY)

Punctured tires on two cars with Lou Fazzolari, and on one car with John Bianco, in May 2003 in an effort to become member of Local 91. Testimony - ten minutes.

W278 - Fazzolari, Louis (Gasport, NY)

Will testify that Congi directed him to damage cars belonging to Local 91 members Rico Liberale, Randy Tagliarini, and Robert

Connolly, was present when Mark Coco stabbed tire of Connolly in May, 2003, and was aware that Coco and John Bianco damaged tires of Tagliarini and Connolly. Anticipated testimony - fifteen minutes.

W279 - Bianco, John (Gasport, NY)

Will testify that he was present when Congi asked Lou Fazzolari to "stab the tires" of recently appointed officers of Local 91, and thereafter assisted Fazzolari and Mark Cocco in puncturing tires of union employees Rico Liberale and Randy Tagliarini (May 2003). Testimony - fifteen minutes.

W280 - Allen, Gina (Niagara Falls, NY)

Called home of Anthony Cerrone on orders of CONGI, such call occurring after the indictment in this case. Testimony - five minutes.

W281 - Connolly, Robert (Niagara Falls, NY)

Will testify that he was serving as the field representative for Local 91 when, on May 24, 2003, he discovered his tires punctured. Testimony - ten minutes.

W282 - Hanson, David (North Tonawanda, NY)

BFI employee who discovered damaged liner at the BFI landfill on Sept. 29, 1997. Testimony - twenty minutes.

W283 - Torres, Bill (Irvine, CA)

President of Serrot Corporation, will testify as to loss caused by Local 91 members at BFI landfill in September, 1997. Testimony - fifteen minutes.

W286 - Fisher, Michael (Middleport, NY)

Complainant when property damaged on July 3, 1997, at Roy Hart School. Testimony - ten minutes.

W287 - Cordero, Miguel (To be determined.)

Employee of Rusmar, Inc., a non-union company which performed work at Middleport Elementary School in July, 1997, and which suffered sabotage damage on July 3, 1997. Testimony -twenty minutes.

W289 - Malvestuto, Jr., Robert (Niagara Falls, NY)

Will testify that at Congi's direction, he participated in numerous acts of violence and sabotage, including bombing of Sansla employees on April 21, 1997; the destruction of equipment at Middleport elementary school in July, 1997; the destruction of the landfill liner at BFI and damage to Serrot employee vehicles on September 28, 1997; and the destruction of equipment at CWM on September 13, 1998. Testimony - thirty minutes.

W292 - Rollins, Steven (Glenwood, NY)

Project executive for Honeywell at Niagara Falls High School, witnessed acts of destruction caused by Local 91. Testimony - fifteen minutes.

W294 - Kulbacki, David (Lancaster, NY)

Contractor will testify that he has been threatened by Local 91 members, is aware of Local 91 reputation and will describe Celeste as Butch Quarcini's "right hand man." Testimony - ten minutes.

W295 - Donoughe, Archie (North Tonawanda, NY)

Owner of Archie Donoughe Sanding Company, Inc., will testify that he was threatened by Local 91 member Randy Butler while attempting to unload plywood at the Charles Upson Elementary School, after Butler claimed unloading was "our (i.e., Local 91's) work." Will also testify that one such incident occurred on October 20, 1997, when Butler bumped Donoghue and damaged Donoughe's pick-up truck. Anticipated testimony - twenty minutes.

W296 - Giaquinto, Joseph (Niagara Falls Police Department)

While working off-duty for Adelpia, had conversation with Mark Congi regarding actions of Local 91 picketers on 10/1/01. Testimony - fifteen minutes.

W298 - McKeown, Patrick (Niagara Falls, NY)

Local 91 member will testify that he participated in property sabotage at the BFI landfill in September, 1997, and the destruction of equipment at Balmer Road in September, 1998. Is also aware that Bellreng was frequently in the company of Celeste, Congi and Quarcini. Testimony - twenty minutes.

W299 - Mount, Kelly (Federal Bureau of Investigation)

Forensic examiner for the FBI Laboratory, will testify that she found evidence of explosives on one piece of tape, and three pieces of brick, recovered from the home of the Sansla employees following the bombing of their residence on April 21, 1997. If not stipulated to, testimony may take twenty minutes.

W300- Ochse, Kevin (Frederick, PA)

Serrot employee will testify to harassment by Local 91 at the BFI landfill site, as well as the damage inflicted upon Serrot vehicles during the evening of September 29, 1997, while vehicles were parked in motel parking lot in Niagara Falls, NY. Testimony - fifteen minutes.

W307 - Bullard, Barry (New York, NY)

Owner of Bullard Lindsay Construction Company, will testify that in March and April, 1995, BELLRENG damaged a van and automobile

belonging to the Company while a construction project was occurring at the Niagara Falls Airbase, and BELLRENG also threatened non-union workers and damaged a wheelbarrow at this site, and that CELESTE was made aware of BELLRENG's conduct. Direct testimony - fifteen minutes.

W309 - Cannon, Kevin (Lakewood, NY)

Will testify that in September, 1998, he worked for Environmental Products and Services, Inc. (EPS), a non-union asbestos removal company located in Syracuse, New York, on a multi-phase remediation project occurring at the former Ordinance Works/CWM located in Porter, New York. While on the job, will testify that CONGI, accompanied by 2 others, demanded that Local 91 perform the EPS work. After demands were refused, will identify damage caused by Local 91 members Malvestuto and Pat McKeown on Sept. 12-13, 1998 (destroyed construction equipment). Direct testimony - fifteen minutes.

W310 - Lyon, John (Middleport, NY)

Former Mulvey employee will describe intimidation and threats of violence inflicted by Local 91 at the Tim Mulvey residence and Lockport construction project, and will identify Dominick Dellaccio, Al Celeste, and Randy Butler as three persons

responsible for such conduct. Length of testimony - twenty minutes.

W312 - Garde, Ed (Niagara County Sheriff Department)

Witness will testify that on two occasions in October, 2002, CELESTE, "Butch" Quarcini, and several other Local 91 members appeared in Town of Wheatfield Court during a local prosecution of Bertino and two other Local 91 members. At the time, the defendant Local 91 members were being prosecuted for committing an act of violence at a road construction project. Following the second local Court appearance involving Bertino and the two Local 91 codefendants, the Niagara County Sheriff's Department Investigator assigned to assist the District Attorney will testify that the same Local 91 members who were inside the courtroom, followed he and the Assistant District Attorney as they left the courthouse parking lot in the investigator's car. Witness will identify CELESTE in Court. Direct testimon - fifteen minutes.

W313 - Needle, Patrick (Niagara County Sheriff Department)

Witness will testify that on two occasions in October, 2002, CELESTE, "Butch" Quarcini, and several other Local 91 members appeared in Town of Wheatfield Court during a local prosecution of Bertino and two other Local 91 members. At the time, the defendant Local 91 members were being prosecuted for committing an act of

violence at a road construction project. Following the second local Court appearance involving Bertino and the two Local 91 codefendants, the Niagara County Sheriff's Department Investigator assigned to assist the District Attorney will testify that the same Local 91 members who were inside the courtroom, followed he and the Assistant District Attorney as they left the courthouse parking lot in the investigator's car. Witness will identify CELESTE in Court. Direct testimony - fifteen minutes.

W314 - Adamczyk, Ron (Lancaster, NY)

Witness will testify that he was threatened by Local 91 members during construction at the Lewiston-Queenston Bridge during the ProServe project. Direct testimony - fifteen minutes.

DATED: Buffalo, New York, June 14, 2006.

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

02-CR-73-A (1), (5), (9), (15)

MARK CONGI,
ALBERT CELESTE,
PAUL BELLRENG,
JOEL CICERO,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2006, I electronically filed the foregoing **Government's Witness List** with the Clerk of the District Court using its CM/ECF system which would then electronically notify the following CM/ECF participant(s) on this case:

Joel L. Daniels, Esq.

Terrence M. Connors, Esq.

John J. Molloy, Esq.

I hereby certify that on June 14, 2006, I mailed the foregoing **Government's Witness List**, by the United States Postal Service, to the following non-CM/ECF participant(s):

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Buffalo, New York 14203

s/Karen A. Brown
KAREN A. BROWN